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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,660	09/07/2006	Jukka Gustafsson	AWEK 3511	8612
7812	7590	03/26/2010		
CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP			EXAMINER	
601 SW Second Avenue, Suite 1600			ELOSHWAY, NIKI MARINA	
Portland, OR 97204				
		ART UNIT	PAPER NUMBER	
		3781		
		MAIL DATE	DELIVERY MODE	
		03/26/2010	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,660

Applicant(s)

GUSTAFSSON ET AL.

Examiner

NIKI M. ELOSHWAY

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date 11/3/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are considered vague and indefinite for the following reasons:

(a) Regarding claims 14, 22 and 25, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

(b) Regarding claims 14 and 22, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

(c) A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 16 recites the broad

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recitation “machined” and the claim also recites “preferably by machining with a shape cutter” which is the narrower statement of the range/limitation.

(d) The term “typically” renders claim 21 indefinite.

(e) The dependent claims not specifically mentioned are rejected as being dependent upon a rejected base claim since they inherently contain the same deficiencies therein.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-19, 22, 23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gulati (U.S. 2001/0040160) in view of Bampton (U.S. 5,697,511). Gulati teaches a method of manufacturing a tank suitable for storing very cold cryogenic liquids, such as liquefied ethylene (LEG) or natural gas (LNG) or a corresponding medium (see paragraph [0004]). The basic form of the tank corresponding to a rectangular prism (shown in figure 2, see paragraph [0015]) and being manufactured from aluminum or the like material (see paragraph [0037]). The tank is produced at least mainly from prefabricated structure elements of few different types so that plane elements meant as shell elements, shown at 17, are produced and include a plane part (the exterior) and a stiffening part (27 and 28 on the interior surface). The stiffening part extends essentially perpendicular to the plane part in to the cavity of the tank, and terminates at a free distal end. The profile elements are welded to each other (see paragraph [0042]). The self-supporting volume units are shown in figures 1c and 1d and have at least four sides.

The stiffeners extending only partly through the internal space of the volume units between the opposite sides thereof. The variable length is discussed in paragraph [0036].

Gulati discloses the claimed invention except for the welding being friction welding. Bampton teaches that it is known to provide a sectional container wherein the sections are joined by friction welding (see the Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Gulati with the welds being formed by friction welding, as taught by Bampton, in order to use a well known welding technique to form a secure weld between the sections.

5. Claims 20, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gulati (U.S. 2001/0040160) in view of Bampton (U.S. 5,697,511), as applied to claims 14 and 22 above, and further in view of Slota (U.S. 2,947,440). Gulati discloses the claimed invention except for the splash bulkhead. Slota teaches that it is known to provide a sectional container with a splash bulkhead (see element 33). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the container of Gulati with the splash bulkhead, as taught by Slota, in order to prevent a surge of liquid in the container.

Regarding claim 21, the modified method of Gulati discloses the claimed invention except for the dimension of the volume unit and bulkhead being about 16x16 meters. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified method of Gulati with the volume unit and bulkhead being about 16x16 meters, in order to give the container a standard shape and since a change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art is cited for the tank structure.

7. THIS ACTION IS NON-FINAL.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIKI M. ELOSHWAY whose telephone number is (571)272-4538. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Niki M. Eloshway/
Niki M. Eloshway
Examiner
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nme